

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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KURELL BROWN,

Plaintiff,

-v-

DENIS PORTAEV, ALEKSEI KARPOV, EVGENY
MAKARIN & DCD CONSTRUCTION LLC,

Defendants.

19-cv-4892 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff Kurell Brown brought the instant action against Defendants Denis Portaev, Aleksei Karpov, Evgeny Makarin and DCD Construction alleging violations of the Fair Labor Standards act, 29 U.S.C. § 201, *et seq.* (“FLSA”) and the New York Labor Law, N.Y. Lab. L. § 650, *et seq.* (the “NYLL”).

On August 14, 2020, Plaintiff moved pursuant to Federal Rule of Civil Procedure 55(b)(2) for an entry of a default judgment against Defendants DCD Construction and Denis Portaev. Dkt. No. 53. Portaev subsequently appeared, but DCD Construction remains in default. On December 1, 2020, the Court ordered DCD Construction to appear and to show cause why a default judgment should not be entered in favor of Plaintiff. Dkt. No. 65. The Court ordered Plaintiff to serve a copy of its motion and the Court’s order on DCD Construction. *Id.* The Court held the hearing on January 22, 2021, and DCD Construction did not appear.

Pursuant to the Court’s authority under Federal Rule of Civil Procedure 55, the Court has examined Plaintiff’s motion for default judgment, Dkt. No. 53, and the complaint, Dkt. No. 1. The Court is satisfied that the allegations of the complaint—if taken as true—would establish liability as to DCD Construction. Because DCD Construction has failed to appear in this case despite having been served, it is hereby ORDERED that a default judgment is entered against Defendant DCD Construction as to liability on Plaintiff’s claims under FLSA and the NYLL.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 53.

SO ORDERED.

Dated: March 18, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge